

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

STEPHANIE LUKIS, MANTAS NORVAISAS,
and SHAWN BROWN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WHITEPAGES, INC.,

Defendant.

Case No. 19-cv-04871

Hon. Gary S. Feinerman

JOINT STATUS REPORT

Pursuant to the Court’s March 23, 2022 Order, (Dkt. 241), Plaintiffs Stephanie Lukis, Mantas Norvaisas, and Shawn Brown (via his heirs) (“Plaintiffs”) and Defendant Whitepages, Inc. (“Defendant”) (together, the “Parties”) respectfully state as follows:

1. On March 21, 2022, the Parties informed the Court that they anticipated likely filing a global class action settlement involving this action and the claims alleged in *Kolebuck-Utz v. Whitepages Inc.*, 2:2021-cv-00053 (W.D. Wash). (Dkt. 240.)

2. The Parties are very close to reaching agreement on a proposed class action settlement. To effectuate the likely settlement, however, the Parties must address three logistical hurdles:

a. First, Plaintiffs will file a motion to substitute, pursuant to Fed. R. Civ. P. 25(a)(1), with respect to Shawn Brown’s claim brought under the Illinois Right of Publicity Act, 765 ILCS 1075/1, *et seq.* (the “IRPA”). Mr. Brown recently passed away, but his rights under the IRPA pass to his legal heirs. 765 ILCS 1075/20(a)(3), 25(b). This motion will be filed by April 11, 2022.

b. Second, if settlement is finalized, Plaintiffs will file a Second Amended Complaint upon Defendant's written consent pursuant to Fed. R. Civ. P. 15(a)(2). The new pleadings would (i) add a claim under the Ohio Right of Publicity Law, Ohio Revised Code § 2741.01, *et seq.*, and a corresponding putative class representative (i.e., to bring the claims asserted in the matter of *Kolebuck-Utz v. Whitepages Inc.* before this Court) and (ii) allege narrowed class definitions (along with a new class representative who falls within the new IRPA class) to conform the pleadings with the facts adduced through discovery and the Parties' efforts at settlement. If the Court granted the Rule 25 motion to substitute referenced above, the Second Amended Complaint would be filed no later than the day after the Court's order.

c. Third, and in connection with the filing of the Second Amended Complaint, plaintiffs Lukis, Norvaisas, and Brown (through his heirs) would file notices of voluntary dismissal with prejudice as to their individual claims.¹ None of these dismissals would have any effect on the claims of any putative class member, whether as originally alleged in this matter or as alleged in the anticipated Second Amended Complaint. These dismissals would be filed contemporaneously with the Second Amended Complaint.

3. After filing the three documents noted above, Plaintiffs would plan to file their motion for preliminary approval of the Parties' class action settlement within 1 day.

4. The Parties don't anticipate the steps outlined above taking more than a week, and they respectfully request that the litigation remain stayed in the interim.

¹ As will be discussed in Plaintiffs' motion for preliminary approval, the Second Amended Complaint would proceed with new putative class representatives because Lukis, Norvaisas, and Brown (via his heirs) are not members of the proposed—and narrowed—settlement classes.

Respectfully submitted,

**STEPHANIE LUKIS, MANTAS NORVAISAS,
and SHAWN BROWN (via his heirs),**
individually and on behalf of all others similarly
situated,

Dated: April 5, 2022

By: /s/ Roberto Luis Costales
One of Plaintiffs' Attorneys

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